

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 2 through 58 are pending, with Claims 2, 9, 16, 17, 23, 24, 25, 27, 33, 34, 35, 38, 39, 40, 47, 53, 54, 55, and 58 being independent. Claims 2 through 16 and 40 through 46 were withdrawn from consideration. Claims 17, 23 through 25, 27, 33 through 35, 37 through 39, 47, 53 through 55, 57, and 58 have been amended.

Claims 37 and 57 were objected to as substantial duplicates of Claims 19 and 49. All objections are respectfully traversed, and are submitted to have been obviated by the amendment of Claims 37 and 57 in a manner earnestly believed to avoid the grounds of objection.

Claims 17, 18, 21, 23, 25 through 28, 31, 33, 35, 36, 47, 48, 51, 53, 55, and 56 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,105,064 (Davis, et al.). Claims 19, 20, 29, 30, 49, and 50 were rejected under 35 U.S.C. § 103 over Davis, et al. in view of U.S. Patent No. 4,009,346 (Parker). Claims 22, 32, and 52 were rejected under 35 U.S.C. § 103 over Davis, et al. in view of U.S. Patent No. 5,699,369 (Guha). All rejections are respectfully traversed.

Claim 17, 27, and 47 variously recite, inter alia, that the gateway comprises a transport level window size controlling unit (Claim 17) or means (Claim 47) that controls or a step of controlling by the gateway of (Claim 27) the transport level window size of the packet (addressed at the IP level from the destination apparatus to the source apparatus) in accordance with bandwidth usage associated with the destination apparatus, wherein the source apparatus, the gateway, and the destination apparatus have different IP addresses.

Claims 25, 35, and 55 variously recite, inter alia, that the apparatus comprises a transport level window size controller that is configured to control (Claim 25) or means for controlling (Claim 55) or a step of controlling by the apparatus of (Claim 35) the transport level window size of the packet (addressed at the IP level from the terminal to the application server) by modifying the transport level window size in accordance with the source IP address, wherein the terminal, the apparatus, and the application server have different IP addresses.

Claims 23, 33, and 53 variously recite, inter alia, that the gateway comprises a throughput controlling unit (Claim 23) or means (Claim 53) that controls or a step of controlling by the gateway of (Claim 33) throughput of data sent through the TCP/IP network from the source apparatus addressed to the destination apparatus in accordance with the determination of the number of TCP connections that are open, wherein the source apparatus, the gateway, and the destination apparatus have different IP addresses.

However, Applicants respectfully submit that none of Davis, et al., Parker, and Guha, even in the proposed combinations, assuming, arguendo, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claims 17, 23, 25, 27, 33, 35, 47, 53, and 55. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

Claims 24, 34, 38, 39, 54, and 58 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,519,636 B2 (Engel, et al.). All rejections are respectfully traversed.

Claims 24, 34, 38, 39, 54, and 58 variously recite, inter alia, that the gateway comprises a throughput controlling unit (Claims 24 and 38) or means (Claims 54 and 58) that controls or a step of controlling by the gateway of (Claims 34 and 39) of throughput of data, sent through the TCP/IP network from the source apparatus addressed to the destination apparatus, in accordance with a leaky bucket analysis of a user's throughput (Claims 24, 34, and 54) or of the throughput (Claim 38, 39, and 58), wherein the source apparatus, the gateway, and the destination apparatus have different IP addresses.

However, Applicants respectfully submit that Engel, et al. fails to disclose or suggest at least the above-discussed claimed features as recited, inter alia, in Claims 24, 34, 38, 39, 54, and 58. The Official Action relies upon Engel, et al. for showing, e.g., a source computer 160S, a destination computer 160D, and a data server 170. However, Applicants respectfully submit that neither the foregoing nor the remainder of Engel, et al. provides either a description or a suggestion of at least the above-discussed claimed features. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

#### REQUEST FOR INTERVIEW

If any questions remain, Applicants respectfully request that the Examiner contact Applicants' undersigned representative, Craig L. Plastrik, at (301) 601-7252.


PATENT  
Attorney Docket No.: PD-970636A  
Customer No.: 29190

CONCLUSION

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached at (301) 601-7252. All correspondence should continue to be directed to our below-listed address.

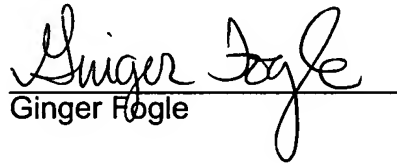
Respectfully submitted,

  
9-14-2005  
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HUGHES NETWORK SYSTEMS, LLC  
Customer No. 29190

PATENT  
Attorney Docket No.: PD-970636A  
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